

REMARKS

Applicant's response to the restriction requirement is similar to election of Claims 163-183 in copending application Serial No. 10/419,462. (the '462 application).

Applicant has added new claims 241-264, which parallel Claims 163-183 in the '462 application.

The differences between present Claims 241-264 and 163-183 include:

- 1) Present Claim 241 sets an upper limit of 140 kDa whereas Claim 163 of the '462 application set an upper limit of 110 kDa;
- 2) Present Claim 249, as a result of its dependence on Claims 1 through 5, includes an upper limit of 140 kDa whereas, for similar reasons, Claim 170 of the '462 application included an upper limit of 110 kDa.
- 3) Present Claim 257, as a result of its dependence on Claims 1-5, 7, 9, and 11, includes an upper limit of 140 kDa whereas, for similar reasons, Claim 177 of the '462 application included an upper limit of 110 kDa.

Claims 111 and 229 were amended to change "is the diagnosis" to "in the diagnosis".

Support for the Amendments

See page 37, line 29 through page 38, line 18 . Also Claims 228 – 232. Also Claims 110-114. Also Claim 133 -134. As well as the application generally.

For the amendments to Claim 111 and 229, see Claims 110, step (2), and Claim 228, step (2).

Paragraph 3 election of species

Paragraph 3 of the Office Action avers 11 patentably distinct species, starting with glycosylation. If such an election is necessary in view of Applicant's elected claims, then

Applicant elects: addition of groups or moieties.

Paragraph 4 election of species

Paragraph 4 of the Office Action avers 37 patentably distinct species, starting with glycosylation. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: cancer (*KEVIN, the complete list of options starts on page 4 of the Office Action. Cancer seemed to be the obvious choice.*):

Paragraph 5 election of species

Paragraph 5 of the Office Action avers 47 patentably distinct species, starting with a cancer. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: cancer.

Paragraph 6 election of species

Paragraph 6 of the Office Action avers 18 patentably distinct species, starting with a platelet inhibitor. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a platelet inhibitor.

Paragraph 7 election of species

Paragraph 7 of the Office Action avers 21 patentably distinct species, starting with an imaging test. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a cancer test not based on a thrombospondin fragment or portion thereof.

Paragraph 8 election of species

Paragraph 8 of the Office Action avers 7 patentably distinct species, starting with thrombospondin receptor. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a thrombospondin receptor and/or binding protein that binds a TSP fragment present in the plasma of a cancer patient.

Paragraph 9 election of species

Paragraph 9 of the Office Action avers 22 patentably distinct species, starting with a cancer antigen test. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a cancer antigen test.

Paragraph 10 election of species

Paragraph 10 of the Office Action avers 13 patentably distinct species, starting with antibodies. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: antibodies (a polyclonal antibody, a monoclonal antibody, a single-chain antibody).

Paragraph 11 election of species

Paragraph 11 of the Office Action avers 12 patentably distinct species, starting with an integrin. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a CSVTG (SEQ ID NO:54) receptor and a CSVTG (SEQ ID NO:54) binding molecule.

Paragraph 12 election of species

Paragraph 12 states that if Applicant elects any one of Groups 112-148, 149-185, 186-222, 223-259, 260-296, 297-333 or 334, then Applicant must elect a binding agent species present in Claim 61. If such an election is necessary in view of Applicant's elected claims, then Applicant elects: a single chain antibody.

Listing of claims readable thereon

Applicant's understanding as to how to provide such a listing is based on a telephone conversations with the Examiner, Dr. Harris, and her supervisor, Dr. Helms, both conversations which were sincerely appreciated.

Applicant's understanding is that in all instances the election of species is essentially moot because there are no longer pending claims, with Markush groups, that prompted the election of species requirements in paragraphs 3 – 12 of the Office Action. As a result, the

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requirement for a listing of claims readable on each elected species is also moot. Nevertheless, Applicant has made an election of species for each request by the Examiner in case the Examiner disagrees with Applicant's understanding.

Respectfully submitted,

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